

NOV 22 1999

Attorney's Docket No.: 10246-007001

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## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled DIRECT RESPONSE E-MAIL, the specification of which:

- is attached hereto.  
 was filed on July 16, 1999 as Application Serial No. 09/353,896 and was amended on \_\_\_\_\_  
 was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David L. Feigenbaum, Esq., Reg. No. 30,378  
John C. Phillips, Esq., Reg. No. 35,322

Robert E. Hillman, Esq., Reg. No. 22,837

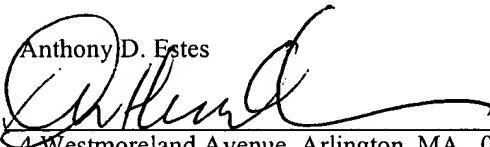
Address all telephone calls to DAVID L. FEIGENBAUM at telephone number (617) 542-5070, X3517.

Address all correspondence to DAVID L. FEIGENBAUM at:

FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Anthony D. Estes

Inventor's Signature: 

Date: 16 Nov 99

Residence Address: 4 Westmoreland Avenue, Arlington, MA 02174

Citizenship: USA

Post Office Address: 4 Westmoreland Avenue, Arlington, MA 02174

Applicant or Patentee: Anthony D. EstesSerial or Patent No.: 09/353,896Filed or Issued: July 16, 1999For: DIRECT RESPONSE E-MAILO I P E  
Nov 22 1999

PATENT &amp; TRADEMARK OFFICE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(e)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: E-Dialog, Inc.Address of Small Business Concern: 70 Westview Street  
Lexington, MA 02421

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled DIRECT RESPONSE E-MAIL by inventor(s) Anthony D. Estes described in:

- the specification filed herewith.  
 application serial no. 09/353,896, filed July 16, 1999.  
 patent no.  , issued  .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name:	William E. Herp
Title:	President
Address:	70 Westview Street, Lexington, MA 02421

Signature: W.E. HerpDate: 11/16/99